

FILED
IN CLERK'S OFFICE
U S DISTRICT COURT E.D.N.Y.

★ JAN 13 2012 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE

-----X
UNITED STATES AMERICA, :

Plaintiff, :

-and- :

THE VULCAN SOCIETY, INC., *for itself and on* :
behalf of its members, JAMEL NICHOLSON, and :
RUSEBELL WILSON, *individually and on behalf of a* :
subclass of all other victims similarly situated seeking :
classwide injunctive relief, :

**MONITOR'S NOTICE OF
PROPOSED CONSULTANT
ENGAGEMENT**

ROGER GREGG, MARCUS HAYWOOD, and :
KEVIN WALKER, *individually and on behalf of a* :
subclass of all other non-hire victims similarly :
situated; and :

07-cv-2067 (NGG) (RLM)

CANDIDO NUÑEZ and KEVIN SIMPKINS, :
individually and on behalf of a subclass of all other :
delayed-hire victims similarly situated, :

Plaintiff-Intervenors, :

-against- :

THE CITY OF NEW YORK, :

Defendant. :
-----X

Pursuant to Paragraph 71 of this Court's Remedial Order dated December 8, 2011
(Docket # 765), Mark S. Cohen, in his capacity as Monitor in the above-captioned matter,

respectfully advises the Court and parties of the Monitor's proposed engagement of Manitou, Inc. to serve as a consultant to the Monitor.

Duties in which Manitou will Assist the Monitor

- In particular, the Monitor contemplates that Manitou, Inc. will assist the Monitor in carrying out responsibilities of the Monitor that are enumerated in the Remedial Order including those set forth in paragraphs 16, 25-27, 30-33, 36, 41-44, 46-48, and 51 of the Remedial Order, as well as in connection with other tasks that the Monitor may be called upon to perform over the duration of the Remedial Order

The Monitor provided advance notice of his intent to hire a consultant to the parties. None of the parties has objected to the Monitor retaining Manitou, Inc.

Relevant Background and Experience of Manitou

The Manitou team for this engagement will be led by Dr. Charles Jennings and Chief Adam Thiel. As shown in the accompanying Exhibit A, they are the principals of Manitou, Inc. and its companion consulting firm FACETS Consulting LLP, have significant experience in working with all aspects of fire department management, as well as personal experience serving as firefighters. Dr. Jennings was formerly First Deputy Commissioner, Department of Fire Safety and Acting Fire Chief for the City of White Plains. Dr. Jennings holds a D. Phil. from Cornell University in City and Regional Planning and serves as an Associate Professor of public administration and fire science at John Jay College of Criminal Justice, where his coursework has included graduate and undergraduate classes covering all aspects of fire department management, including human resources management. Dr. Jennings is program coordinator for the Christian Regenhard Center for Emergency Response Studies at John Jay College of Criminal Justice.

Chief Thiel is currently Fire Chief for the City of Alexandria, Virginia.¹ Throughout his career, Chief Thiel has focused on increasing diversity within the fire departments for which he worked, including during his former tenure as Executive Director of the State of Virginia's Department of Fire Programs, in which he helped to set diversity policy for all of Virginia's fire departments. Under Chief Thiel's supervision, the Alexandria Fire Department recently engaged in recruiting and training efforts that succeeded in recruiting the most diverse Fire Academy class to date. Chief Thiel serves on the Board of Fire 20/20, a public interest organization focused on increasing diversity in fire departments and emergency services, whose activities include conducting diversity seminars for fire departments nationwide covering such topics as recruitment and promotion. Chief Thiel also serves on the Advisory Board of Drexel University's FIRST (Firefighter Injury Research and Safety Trends) Project.

Dr. Jennings and Chief Thiel are the co-editors of a forthcoming treatise titled Managing Fire and Emergency Services, which includes material on best practices for diversity and other recruitment and for development of EEO practices within fire departments.

Hourly Rates and Budget

The hourly rates for Manitou, Inc.'s employees are as follows:

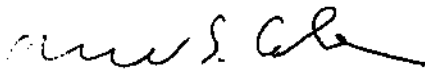
Principal	\$350
Associate	\$275
Analyst	\$100
Administrative Specialist	\$75
Administrative Assistant	\$45

The Remedial Order requires that the Monitor submit a budget for each consultant's work to the Court for approval. After the Monitor and consultant have had a chance to conduct an

¹ Chief Thiel is permitted to participate in outside engagements and receive compensation for them.

initial review, the Monitor expects to submit a budget to the Court for approval.

Dated: January 10, 2012
New York, New York



Mark S. Cohen

*Approved.
So ordered.*

s/Nicholas G. Garaufis, USDJ

1/13/12

EXHIBIT A

CHARLES R. JENNINGS

CJENNINGS@MANITOUINC.COM

Charles Jennings, Ph.D. has a unique and distinguished career spanning 30 years as a fire service consultant, practitioner, and researcher. This unique mix of experience gives Jennings an incisive perspective on fire service issues and an ability to identify and focus on the most effective areas for intervention in complex environments. His experience enables him to appreciate the critical details of the firefighting job and the linkages between the recruitment, testing, and background investigation of candidates.

Jennings has practitioner experience in multiple contexts. Most recently, he served as Deputy Commissioner of Public Safety for the City of White Plains, New York (2002-2008). There, he helped lead an integration of capabilities between police and fire functions. He oversaw the Fire Bureau, including serving as Acting Fire Chief, implementing several innovations including improved fireground accountability systems, increased training, and improved equipment. At the same time, sick leave was decreased and the number of fires decreased through aggressive fire prevention programs.

In White Plains, increasing the diversity of the Fire Bureau was a major priority of the administration. This was a long-term effort initiated as part of a new management team that replaced a Commissioner who had been in place for over twenty years. The new public safety administration, which Jennings joined at the outset, spent countless hours working to establish its reputation for fair dealing throughout the community. These efforts included promoting test preparation and physical conditioning classes for the community.

The diversity of the Fire Bureau increased under his watch, including development of aggressive outreach campaigns working both through traditional community institutions, as well as schools and colleges. The Department operated under a consent decree, and it took several years and multiple exams to reverse a long-held perception among many in the community that the hiring process was unfair to minority candidates. Many of these concerns were related to screening of applicants. Jennings sat on the interview panels for every firefighter exam during his tenure in the process, and was involved in vetting candidates including assessment of employment, education, character, and any legal infractions on their records.

As part of Jennings' efforts the administration also actively supported external training for developing candidates for promotional exams. These efforts paid dividends in increasing the number of candidates who sat for the exams and passed.

Jennings also administered the \$40 million budget for the Department, including administration of multiple grants from public and private sources. He designed and implemented a complete renovation of the dispatch center, and designed and budgeted an upgrade to the radio system for the Department. The use of mobile computers in vehicles and license plate readers were also implemented under his leadership.

Jennings also served as Chair and member of the Board of Fire Commissioners in the City of Ithaca, New York, under appointment by the Mayor. In Ithaca, he initiated a process to redeploy staffing to improve response to fires and fought to improve administrative effectiveness within the fire department.

In addition to administrative assignments, he spent over twenty years as a firefighter and line officer, serving with distinction in fire departments in Montgomery County, Maryland, and Upstate New York. He was recognized for his service and received an award for meritorious

duty.

As a consultant, he has worked independently or through his firm since 1991, conducting management and analysis of fire and emergency service organizations across North America. These projects include management studies, long-term forecasts and GIS-based deployment analyses, and special studies on fire risk. He has conducted deployment analysis studies including forecasts of future demand and facility, apparatus, and staffing needs for many cities. These projects included design of a redeployment plan for Wichita, Kansas, and deployment studies for Colorado Springs, Colorado, and Broward County, Florida, among others.

As a researcher, he is recognized as one of the leading experts on fire service deployment. He has published scholarly articles on the subject, and is currently completing an empirical analysis of response times and fire losses. He serves as a referee for the journals *Fire Technology*; *Risk Analysis*; and *Journal of Critical Incident Analysis*. He is on the faculty of John Jay College of Criminal Justice of the City University of New York, teaching in the Public Administration and Fire Science programs. He has given invited presentations on various aspects of fire services in Canada, England, and South Korea.

Jennings earned a PhD and MRP in City and Regional Planning from Cornell University, and a Master's degree from John Jay College of Criminal Justice. His undergraduate work was completed at the University of Maryland – College Park. He is also a Chief Fire Officer designee from the Center for Public Safety Excellence. He holds numerous professional memberships and holds the grade of Member in the Institution of Fire Engineers.

He is also an accomplished statistical analyst, and works with census, local government, and other data sources to inform planning and analytical studies. Jennings is a member of the Urban and Regional Information Systems Association and the American Statistical Association.

Jennings is co-Editor (with Adam Thiel) of the newest edition of *Managing Fire and Emergency Services*, published by the International City/County Management Association.

ADAM K. THIEL

AKTHIEL@FACETSLLP.COM



With two decades in the field, Adam Thiel is a recognized thought leader across the fire and emergency services. For the past fifteen years, Chief Thiel has provided strategy, planning, leadership, and management consulting to international organizations, non-profits, government agencies at all levels, educational institutions, and private firms.

Currently fire chief for a diverse and densely populated urban community in the National Capital Region, Chief Thiel provides overall leadership and strategic direction for the city's fire/injury prevention, all-hazards emergency response, emergency medical services, building/fire code administration, and emergency management functions.

Adam's operational experience includes serving with distinction in four states (MD, NC, AZ, and VA) as a chief officer, incident commander, company officer, hazardous materials team leader, paramedic, technical rescuer, structural/wildland fire fighter, and rescue SCUBA diver. Chief Thiel has directly participated in response/recovery efforts for several major disasters, including the 9/11 tragedy, Hurricanes Gustav and Isabel, the 2009/10 blizzards, and Tropical Storm Lee.

In 2002, Adam was appointed by then-Governor Mark Warner to lead the Virginia Department of Fire Programs (VDFF) through a critical post-9/11 transition and state fiscal crisis. Executive Director Thiel transformed VDFF—modernizing systems, adding capacity, and enhancing capabilities—by engaging employees and stakeholders in charting the agency's course. During his tenure in state government, Adam was a member of the *Commonwealth Preparedness Working Group*, *Virginia Emergency Response Council*, *State Hazardous Materials Emergency Response Advisory Committee*, *Critical Infrastructure Working Group*, and *Child Day-Care Council*.

Chief Thiel earned undergraduate degrees in history and fire science from the University of North Carolina-Chapel Hill and University of Maryland University College, respectively. He holds a master's degree in public administration from George Mason University and is finishing his doctoral degree in public administration at Arizona State University. Beyond completing the *Virginia Executive Institute* and Harvard University's Kennedy School of Government *Program for Senior Executives in State and Local Government*, Adam is a Certified Emergency Manager® (CEM), Chief Fire Officer® (CFO) designee, and Member of the Institution of Fire Engineers (MIFireE).

Chief Thiel has authored many publications and presented at conferences in multiple states/countries. He teaches graduate-level public administration courses; writes a regular column in *Fire Chief* magazine; serves as technical adviser for the *FireRescue1* website; chairs the program advisory board for 24-7 FIRE; teaches in the International Association of Fire Chiefs (IAFC) *New Chiefs Leadership* and *Executive Edge* programs; and is an IAFC/International Association of Fire Fighters (IAFF) *Labor-Management Initiative* facilitator. Adam co-edited the 2012 edition of the *Managing Fire and Emergency Services* text; part of the iconic "green book" series on city and county management.

Chief Thiel is active in a number of professional groups, boards and committees. He chairs the National Fire Protection Association (NFPA) Technical Committee on Emergency Services Organization Risk Management; serves on the NFPA Fire Service Section board; is vice-chair of the National Fire Academy (NFA) Board of Visitors; and serves on the steering committee for George Washington University's Homeland Security Policy Institute. Adam also chairs the Northern Virginia Emergency Response System (NVERS) steering committee, a multidisciplinary collaborative effort to enhance emergency preparedness for 2.6 million residents of the Washington Metropolitan Area.

Throughout his career, Chief Thiel has worked tirelessly to help improve diversity in the fire and emergency services. As a charter member of the human relations committee for IAFF Local 2068 in Fairfax County, Virginia, he trained as a prejudice reduction leader and served the local union's 1,600 members by seeking common ground and contributing to policies that fostered equal opportunity and mutual respect. As Virginia's state fire

ADAM K. THIEL

AKTHIEL@FACETSLLP.COM

director, and in spite of severe fiscal constraints, Adam sponsored the return of the *Virginia Equity-Diversity Conference* after a long hiatus. Also during his tenure with VDFP, Chief Thiel initiated a statewide multilingual firefighter recruitment effort and worked with the Virginia Department of Education to create a certified fire and emergency services curriculum for high school students.

As a deputy chief and later fire chief, Adam substantially changed the demographic profile of his departments by making major changes to recruiting, hiring, and training processes. Beyond increasing the size and diversity of candidate pools, Chief Thiel instituted contemporary testing and assessment practices, while completely changing the recruit academy model to reflect adult learning principles and best practices. He also focused attention on improving human relations, workplace equity, and appreciation for diversity within the incumbent workforces. In 2009, Adam's department hosted the most successful *Virginia Equity-Diversity Conference* in its 20-year history, substantially improving attendance from prior years despite the economic recession.

At the national level, Chief Thiel serves on the board of directors for Fire 20/20, a non-profit organization that, "envision[s] a fire and emergency service that reflects the multicultural communities it serves." He is a member of Fire 20/20's virtual faculty and a trainer for the organization's award-winning workshop, *Recruiting and Retaining Diversity in the Fire Service*. For almost a decade, Adam has served on the steering committee for the NFA's Fire and Emergency Services Higher Education (FESHE) program, where he contributed to the National Professional Development Model and High School Pathways initiatives. In 2010, Chief Thiel was appointed to lead the NFA Board of Visitors Outreach Subcommittee, an effort to improve the diversity of the student body at the flagship educational institution for the U.S. fire and emergency services.

Beyond his professional activities, Adam is a volunteer youth mentor, Ironman® triathlon finisher, Crossfit enthusiast, martial artist, SCUBA diver, and father of two energetic children.

Contact

Adam K. Thiel
akthiel@facetsllp.com
623.693.8944